D.B. CIVIL SPECIAL APPEAL (W) NO.484/2007
(Dilip Baroth Vs. RSRTC and Ors.)

8.5.2007

HON'BLE MR JUSTICE RAJESH BALIA
HON'BLE MR JUSTICE BHANWAROO KHAN

Mr. Rakesh Arora, for the appellant.

Having heard learned counsel for the appellant, we do not find any merit in this appeal. Learned counsel for the appellant states that the appellant has been granted lighter duty on the post of Booking Clerk at his own request. Since now he has been transferred again as Conductor, he has filed the writ petition. He has prayed for his continuing posting as Booking Clerk. On the material placed on record, we do not find that the petitioner's assertion that he is suffering some medical disability compelling him to be posted at lighter duty job. In that circumstances, the petitioner cannot claim as a matter of right light duty posting in view of the earlier decision of this Court.

We are of the opinion, that the learned Single Judge has rightly passed the order on the application under Article 226(3) of the Constitution of India and vacating ex-parte ad-interim order at the time of admission.

Accordingly, the appeal fails and is hereby dismissed.

(BHANWAROO KHAN),J. (RAJESH BALIA),J.

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